HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No… 1784 of 2001 (SS)

Smt. Asha Rana vs. State of U.P. & others

Approved for reporting.

~~Not approved for reporting~~

Date of decision 16.12.2003

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1784 of 2001 (SS)

1. Smt. Asha Rana w/o Vijay Singh Rana,
   Village Trilokan Nagar, Post Bhotia Paraw,
   Haldwani, District Nainital
2. Smt. Sarita Rani w/o Mahesh Singh, r/o
   Village Diya, Post Viriya Jhol, District
   Udham Singh Nagar
3. Gomati daughter of Indra Singh Rana
   R/o village Gauri Khera, Post Sitarganj,
   District Udham Singh Nagar
4. Shashi Rani d/o Ram Das r/o village
   Nayagaon, Post Ramraj,
   District Muzaffarnagar.
5. Lata Yadav d/o Bhurey Singh Yadav
   R/o Moh. Bhadipura (Power House)
   Rudrapur, District Udham Singh Nagar
6. Yash Yadav d/o Veer Singh Yadac
   Prit Vihar Colony, Tari Foods road,
   Rudrapur, Udham Singh Nagar …… Petitioners

Versus

1. State of U.P.
2. Commissioner, Rural Development
   U.P. Lucknow
3. District Magistrate, Udham Singh Nagar
4. District Development Officer,
   Udham Singh Nagar
5. State of Uttaranchal. …….. Respondents

Dated: 16.12.2003

Hon'ble Rajesh Tandon J:

Heard the learned counsel for the parties at length.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the order dated 24.6.1999 passed by the District Development Officer, Udham Singh Nagar, annexure-5 to the writ petition.

Briefly stated the facts giving rise to the present writ petition are that a competitive examination for the recruitment of Gram Vikas Adhikari both Male and Female was held 13.12.1988. The petitioners qualified the written examination and they were called for interview. The interview was held on 27.2.1999 and result was notified on 8.3.1999. According to the notification in the selection list serial no. 1 to 28 are Gram Vikas Adhikari (Male) and the petitioner's names were found place form serial no. 29 to 34 as Gram Vikas Adhikari (Female).

The grievance of the petitioners is that the candidates selected as Gram Vikas Adhikari (Male) from Serial number 1. to 28 were given appointment letters and were also sent for training and after completing training they have been appointed on the post of Gram Vikas Adhikari but contrary to that the District Development Officer, Udham Singh Nagar vide order dated 24.6.1999 cancelled the selection of the petitioner for the post of Gram Vikash Adhikari (Female). Hence the writ petition.

At the time of filing of the writ petition the Court has passed the following order on 27.7.1999.

"Heard Sri AShok Khare learned counsel for the petitioners. The petitioners who are 6 in number were finally selected for training to the post of Gram Vikas Adhikarik (Mahila) against the six vacancies. Similar selection was held for the 250 post Gram Vikash Adhikari (Male). While the male candidates have been sent for training and appointed after their completion of training. The selection of the petitioner who are female Gram Vikash Adhikari, has been cancelled by the Department. On the direction of Commissioner Gramin Vika, U.P. Lucknow dated 10.2.99 Annexure -6 to the writ petition, the impugned order dated 24.6.99 (Annexure 5) has been passed by the District Development Officer, Udham Singh Nagar. The reason assigned for the passing of impugned orders is that appropriate sanction was not received from the Karmik Department of the Sachivalaya.

Sri Khare pointed out that there was no justifiable reason to distinguish the cases of the petitioners and the impugned orders passed by the departmental authorities are arbitrary and illegal.

The matter requires scrutiny. Let a counter affidavit be filed within 6 weeks. List thereafter.

In the meantime, the operation of the impugned orders dated 24.6.99 (Annesure-5), 10.2.99 and 27.5.99 (Annexure 6 & 7) shall remain stayed and if the petitioners have been actually selected as Gram Vikash Adhikari (Female) they shall be allowed to take part in the training."

Pursuant to the interim order passed by the Court the selection of the petitioners on the posts of Gram Vikash Adhikari (Female) have already been given effect to. The writ petition is, therefore, decided in terms of the interim order dated 27.7.1999.

With the aforesaid observations the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

16.12.2003
*Dhyani

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1784 of 2001 (S/S)

Smt. Asha Rana

and others ……. Petitioners

Versus

State of U.P. (now Uttaranchal)

and others …….. Respondents

Mr. Ramji Srivastava, learned counsel for the petitioners.
Mr. Nand Prasad, learned Counsel for the State.

Hon. Rajesh Tandon, J.

This review application has been filed by the applicant / petitioner No. 1. Heard, Mr. Ramji Srivastava, learned counsel for the petitioner and Mr. Nand Prasad, learned Standing Counsel for the State.

The Courts order dated 27.07.1999 is very much clear as the petitioners were selected as Gram Vikas Adhikari (Mahila) and they were allowed to take part in the training in view of the aforesaid interim order. No further order is required. Therefore, the respondents are directed to consider the appointment of the petitioner for the post of Gram Vikas Adhikari (Mahila) on the basis of office order dated 19th March 1999 (Annexure- 3) to the following effect:

dk;kZy; ftyk fodkl vf/kdkjh m/kefl g uxjA

पत्रांक 3137/1–स्था0/समूह–ग/98–99 दिनांक 8 मार्च 1999

dk;kZy; vknsk

सचिव कार्मिक अनुभाग–2 उ0प्र0 शासन के शासनादेश 20/1–91 टीसी–97 दिनांक 9–6–98 द्वारा निर्गत नियमावली के अधीन डि0प्र0

लोक सेवा आयोग के क्षेत्र से बाहरक्र समूह ग– के पदों की सीधी भर्ती के अन्तर्गत ग्राम विकास अधिकारी, पुरूप्र/महिला की सीधी भर्ती विज्ञप्ति पत्रांक 1357 दिनांक 7–8–98 द्वारा प्रकाधित कर प्राप्त आवेदन पत्रों के आधार पर न्नारीरिक परीक्षा में उत्तीर्ण अभ्यर्थियों की लिखित परीक्षा में सम्मिलित किया गया। लिखित परीक्षा परीक्षा अर्हकारी योग्यता तथा साक्षात्कार परीक्षा अंकों के योग्य से वरीयता के अधार पर निम्नलिखित अभ्यार्थियों को चयनित किया जाता है।

कमां	अभ्यर्थी का नाम एवं पता	जाति	अनुकमांक	पद
1	श्रीमती आधा राणा, पत्नी विजय सिंह राणा, ग्राम त्रिलोक नगर, दोनहरिया, पो0 भोटिया पडाव, हल्द्वानी, नैनीताल	अ0ज0जा0	000393	ग्रावि0अ0 र्मिक्र
2	श्रीमती सरिता रानी, पत्नी महेधा सिंह, गम दिया, पो0 बिरिया मझोला, उधमसिंह नगर	अ0ज0जा0	000306	ग्रावि0अ0 र्मिक्र
3	कु0 गोमती पुत्री इन्द्र सिंह राणा, ग्राम गौरी खेरा, पो0 सितारगंज, उधमसिंह नगर	अ0ज0जा0	000287	ग्रावि0अ0 र्मिक्र
4	कु न्नधि रानी पुत्री रामदास, ग्राम नया गंव पो0 रामराज, आजगमढ़	अ0जा0	000239	ग्रावि0अ0 र्मिक्र
5	कु0 लता यादव पुत्री भूरे सिंह यादव मौ0 भदईपुरा र्पिावर हाउसक्ररूद्रपुर, उधमसिंह नगर	अ0पि0व0	000264	ग्रावि0अ0 र्मिक्र
6	कु0 यधा यादव पुत्री वीर सिंह यादव, प्रीत विहार कोलानी, तराई फूडस रोड, रूद्रपुर उधमसिंह नगर	अ0पि0व0	000320	ग्रावि0अ0 र्मिक्र

चयन किये गये अभ्यर्थियों को मौलिक रूप से नियुक्त किये जाने पर अपने खर्चे पर सरकार द्वारा समय समय पर यथाविनिर्दिप्ट स्थान पर दो वर्प्र का प्रधिक्षण प्राप्त करना होगा। इस अवधि में सरकार द्वारा समय समय पर अवधारित प्रतिमाह वृत्तिका दी जायेगी। प्रधिक्षण में जाने से पूर्व अभ्यर्थी एक बंधक पत्र निस्पादित करेगें जिससे वे राज्य सरकार के अधीन तीन वर्प्र तक ग्राम विकास अधिकारी के रूप में सेवा करने के लिए वचनवद्ध होगें। प्रधिक्षण में जाने की सूचना पृथक राज्य सरकार से प्राप्त होने पर सूचित की जाएगी। प्रधिक्षण में जाने से पूर्व मुख्याचिकित्साधिकारी से स्वस्थ्यता प्रमाण पत्र प्रस्तुत करना अनिवार्य होगा।

ह0/– अस्पप्ट
ब्रिह्म सिंहक्र
जिला विकास अधिकारी

{ धमसिंह नगर

पत्रांक 3137 /स्था0/समूह–ग/98–99 दिनांक 8 मार्च 1999

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवध्यक कार्यवाही हेतु प्रेप्रित।

1 उपरोक्त 34 संबन्धित चयनित अभ्यर्थी।

2 जिला सेवायोजन अधिकारी, { धमसिंह नगर।

3 मुख्य विकास अधिकारी, { धमसिंह नगर।

4 संयुक्त विकास आयुक्त, कुमांयु मण्डल, नैनीताल।

5 जिलाधिकारी { धमसिंह नगर।

6 आयुक्त, ग्राम्य विकास र्स्थापना अनुभाग–2क्रउ0 प्र0 लखन{ को इस अनुरोध के साथ प्रेप्रित है कि उपरोक्त अभ्यर्थियों को प्रधिक्षण संबन्धी आदेध /निर्देध इस कार्यालय को यथाधीर्घ भेजने की कृपा करें।

ह0/– अस्पप्रट
8/3/99
जिला विकास अधिकारी
{ धमसिंह नगर

Accordingly direction is given to the respondents that on filing the representation by the petitioners for consideration along with the order of this Court the respondents shall consider the same in terms of the order dated 27.7.1999 within a period of six weeks from the date of production of certified copy of this order.

Review petition is disposed of, accordingly.

(Rajesh Tandon, J.)

Dt. 27.04.2004
HN